

## **REMARKS**

This Amendment responds to the Office Action dated August 31, 2010 in which the Examiner rejected claims 1-2, 4-6, and 8-20 under 35 U.S.C. § 103.

Applicants would like to thank the Examiner for the personal interview on December 14, 2010.

As indicated above, claims 1, 5 and 11-12 have been amended in order to make explicit what is implicit in the claims. The amendment is unrelated to a statutory requirement for patentability and amends the claims as agreed in the interview.

Claims 1 and 11 claim an input method and claims 5 and 12 claim a touch panel input apparatus. The method and apparatus include a touch panel laminated onto a display screen of a display apparatus. A sensor unit is formed so as to be expanded to an outside of one side of the display screen. An instruction, according to a touching position of a finger or touch pen onto the sensor unit, is given. A controller generates a control signal based on the instruction. A selection display is displayed while the finger or touch pad is initially touched and remains in contact with the sensor unit. A selection item is highlighted when the finger or touch pen is near the selection item without moving over the highlighted selection item as the finger or touch pen remains in contact with the sensor unit after the initial touch and is moved along the sensor unit. The highlighted selection item is automatically selected upon lifting the finger or touch pen from contact with the sensor unit near the highlighted selection item after being moved along the sensor unit. A selection display is cancelled when the finger or the touch pen is moved away from the sensor unit. A single touch, move/slide and release contact operation of the finger or touch pen with the sensor unit executes a combined operation (a) to display the selection display and (b) to select a desired selection item in the selection display.

By (a) highlight a selection item when a finger or touch pen is near the selection item without moving over the highlighted selection item, (b) automatically selecting the highlighted selection item upon lifting the finger or touch pen from contact with the sensor unit and (c) having a single touch, move/slide and release contact information of the finger or touch pen with the sensor unit to execute a combined operation to display a selection display item and to select a desired selection item, as claimed in claims 1, 5, and 11-12, the claimed invention provides an input method and apparatus which can cancel an operation or select an operation with a single touch, move/slide and release contact operation on a display screen. The prior art does not show, teach or suggest the invention as claimed in claims 1, 5, 11 and 12.

Claims 1-2, 4-6 and 8-20 were rejected under 35 U.S.C. § 103 as being unpatentable over *Beernink, et al.* (U.S. Patent No. 5,434,929) in view of *Nishibori* (U.S. Patent No. 5,977,948).

*Beernink, et al.* appears to disclose text recognition in pen-based computer systems (column 1, lines 9-10). When operating has an input device, the display assembly senses the position of the tip of a stylus on the viewing screen and provides this positional information to the computer central processing unit (CPU) (column 1, lines 34-37). Graphical images can be input into the pen-based computer by merely moving the stylus on the surface of the screen. As the CPU senses the position and movement of the stylus, it generates a corresponding image on the screen to create the illusion that the stylus is drawing the image directly on the screen, *i.e.* that the stylus is "inking" an image on the screen (column 1, lines 45-52). A "pseudo" keypad 24' comprises "button" areas which are associated with a bottom edge of a tablet membrane that extends beyond the lower edge of the LCD display (column 4, lines 36-39). When the "buttons" are selected by engaging the stylus 38 with the membrane over these printed icons, the membrane senses the pressure and communicates that fact to the CPU 12 via data bus 37 and I/O

(column 4, lines 42-45). In Figure 2b, the screen 52 of Figure 2a is illustrated with an open preference window 72. This window is activated by first selecting the Extras button 74 of the pseudo keyboard 24' to open a pop-up window of command icons and then subsequently selecting a Preferences icon. Selection in this instance refers to "tapping" the button icon or menu listing. A tap gesture involves placing the stylist 38 on the screen 52 for a short, predetermined length of time and then lifting the stylist without moving the stylist a significant amount. Placing the stylist on the screen for a period of less than in the range of one twentieth of one seconds may be appropriate, with one third of a second being an appropriate maximum hold period. Also, to qualify as a tap gesture, the stylist must not have been moved more than an insignificant distance across the screen. By way of example, movement of more than in the range of two to ten pixels may be considered enough to disqualify an input from being a tap gesture (column 7, lines 37-59, emphasis added).

Thus, *Beernink, et al.* merely discloses selecting an item by tapping or generating an image on a screen by drawing on the screen. Nothing in *Beernink, et al.* shows, teaches or suggests (a) highlighting a selection item when a finger or touch pen is near the selection item without moving over the highlighted selection item, (b) automatically selecting the highlighted item upon lifting the finger or touch pen from contact with the sensor unit, (c) cancelling a selection display when the finger or touch pen is moved away from the sensor unit and (d) a single touch, move/slide and release contact operation of the finger or touch pen with the sensor unit executes a combined operation to display the selection display and to select a desired selection item as claimed in claims 1, 5, 11 and 12. Rather, *Beernink, et al.* only discloses selecting an item by tapping or drawing on a screen.

*Nishibori* appears to disclose in Figure 11 a first hierarchal menu 41 which is the very top hierarchy. The cursor is shifted while pressing the mouse button while the cursor is positioned on the menu item "recognize". When the menu item "recognize" is pointed by the cursor, a second hierarchy menu 42 which is the one level lower hierarchy which can be displayed automatically as shown in Figure 12. Further, the cursor is moved to the second hierarchy menu 42 while pressing the mouse. In the second hierarchy menu 42, with the mouse in the pressed condition, the cursor is shifted to the position of a menu item "scratch". Then, as shown in Figure 13, the third hierarchy menu 42 will be displayed. In the same way, by moving the cursor to the menu item "see" in the third hierarchy menu 43, the fourth hierarchy menu 44 will be displayed as shown in Figure 14. Figure 15 shows the situation in which the cursor points out the word "seeing" in the fourth hierarchy menu 44. Here, if the mouse button is released, the menu item "seeing" which the cursor is now positioned will be considered to be the character for input. Besides, if the cursor is moved to the fifth hierarchy menu 45 and released at the position of the menu item "seeing" input processing of "seeing" can also be executed. In the fifth hierarchy menu 45, "Seeing" or "SEEING" can be selecting for input. When the cursor is moved from the lower hierarchy menu to the higher hierarchy menu, the lowest hierarchy menu which is displayed may be closed. If no input processing of character is to be made, by moving the cursor away from all the menus and releasing the mouse button, the whole menus will be closed and input processing will end (column 7, lines 18-57).

Thus, *Nishibori* merely discloses moving a cursor over a menu item while pressing a mouse button. Nothing in *Nishibori* shows, teaches or suggests highlighting a selection item when a finger or touch pen is near the selection item without moving over the highlighted selection item as claimed in claims 1, 5, 11 and 12. Furthermore, nothing in *Nishibori* shows,

teaches or suggests (a) automatically selecting a highlighted selection item upon lifting the finger or touch pen from contact with the sensor unit, (b) cancelling the selection display when the finger or touch pen is moved away from the sensor unit or (c) a single touch, move/slide and release contact operation of the finger or touch pen with the sensor unit executes a combined operation to display the selection display and to select a desired selection item as claimed in claims 1, 5, 11 and 12. Rather, *Nishibori* only discloses shifting a cursor while pressing a mouse button while the cursor is positioned over a menu item.

A combination of *Beernink, et al.* and *Nishibori* would merely suggest to select an item by tapping as taught by *Beernink, et al.* and to move a cursor over a menu item while pressing a mouse button as taught by *Nishibori*. Thus, nothing in the combination of the references shows, teaches or suggests the primary features as discussed and claimed above in claims 1, 5, 11 and 12. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 1, 5, 11 and 12 under 35 U.S.C. § 103.

Claims 2, 4, 6, 8-10 and 13-20 recite additional features. Applicants respectfully submit that claims 2, 4, 6, 8-10 and 13-20 would not have been obvious within the meaning of 35 U.S.C. § 103 over *Beernink, et al.*, and *Nishibori* at least for the reasons as set forth above. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 2, 4, 6, 8-10 and 13-20 under 35 U.S.C. § 103.

Thus, it now appears that the application is in condition for a reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested. Should the Examiner find that the application is not now in condition for allowance, Applicants respectfully request the Examiner enters this Amendment for purposes of appeal.

**CONCLUSION**

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicants respectfully petition for an appropriate extension of time. The fees for such extension of time may be charged to Deposit Account No. 50-0320.

In the event that any additional fees are due with this paper, please charge our Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

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By: 

Ellen Marcie Emas  
Reg. No. 32,131  
(202) 292-1530